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Friday, 9 December 2005, 10.15 a.m.

New York

President:	Sir Emyr Jones Parry	(United Kingdom)
Members:	Algeria	Mr. Baali
	Argentina	Mr. Mayoral
	Benin	Mr. Idohou
	Brazil	Mr. Sardenberg
	China	Mr. Zhang Yishan
	Denmark	Ms. Løj
	France	Mr. Vandeville
	Greece	Mr. Vassilakis
	Japan	Mr. Oshima
	Philippines	Mr. Gatan
	Romania	Mr. Motoc
	Russian Federation	Mr. Rogachev
	United Republic of Tanzania	Mr. Mahiga
	United States of America	Mr. Scott

Agenda

The protection of civilians in armed conflict

Report of the Secretary-General on the protection of civilians in armed conflict (S/2005/740)

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05-63417 (E)

The meeting was called to order at 10.15 a.m.

Adoption of the agenda

The agenda was adopted.

Protection of civilians in armed conflict

Report of the Secretary-General on the protection of civilians in armed conflict (S/2005/740)

The President: I should like to inform the Council that I have received letters from the representatives of Canada, Egypt, Germany, Iraq, Italy, Liechtenstein, Mexico, Nepal, Norway, Pakistan, Peru, Qatar, the Republic of Korea, Slovakia, South Africa, Spain, Switzerland, and Uganda in which they request to be invited to participate in the consideration of the item on the Council's agenda. In accordance with usual practice, I propose, with the consent of the Council, to invite those representatives to participate in the consideration without the right to vote, in accordance with the relevant provisions of the Charter and rule 37 of the Council's provisional rules of procedure.

There being no objection, it is so decided.

At the invitation of the President, the representatives of the aforementioned countries took the seats reserved for them at the side of the Council Chamber.

The President: On behalf of the Council, I extend a warm welcome to His Excellency Mr. Alfredo Mantica, Deputy Minister for Foreign Affairs of Italy.

In accordance with the understanding reached in the Council's prior consultations and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

It is so decided.

I invite Mr. Egeland to take a seat at the Council table.

In accordance with the understanding reached in the Council's prior consultations and in the absence of objection, I shall take it that the Security Council agrees to extend an invitation under rule 39 of its provisional rules of procedure to Mr. Jacques Forster, Vice-President of the International Committee of the Red Cross.

It is so decided.

I invite Mr. Forster to take a seat at the Council table.

The Security Council will now begin its consideration of the item on the agenda. The Council is meeting in accordance with the understanding reached in its prior consultations.

Members of the Council have before them document S/2005/740, which contains the report of the Secretary-General on the protection of civilians in armed conflict.

At this meeting the Council will first hear a briefing by Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator.

Mr. Egeland: Sixty years ago, the nations of the world came together to save succeeding generations from the scourge of war. We should now assess how effective we have been in our efforts to shield civilians from the horrors of armed conflict in situations where States have proved unable or unwilling to fulfil their primary responsibility to do so. Let me start with some positive observations.

It has now been six years since the first report of the Secretary-General on the protection of civilians in armed conflict was presented to the Council, and six years since the adoption of the Council's first thematic resolution on the protection of civilians. Over that period, we have witnessed some significant improvements in the protection afforded to civilians.

First, the Security Council's more systematic and sustained engagement on protection-of-civilians issues has had an impact. The Council's expansion of peacekeeping mandates to encompass a range of protection measures — such as the physical protection of civilians under imminent threat of physical violence, programmes for the disarmament, demobilization and reintegration (DDR) of combatants and measures to protect displaced populations and returnees — has been an extremely important development. The evolution of protection elements in mandates has resulted in a more effective approach by peacekeeping missions to protection issues. The adoption by the Council of robust peacekeeping measures in Ituri, in

the Democratic Republic of the Congo, for example, had an obvious impact on the ground. Moreover, the Security Council's sharpened focus on key protection concerns draws global attention to those issues and reinforces a stronger culture of protection.

Secondly, the enhanced engagement by regional and subregional organizations has made a real difference on the ground, as demonstrated by the African Union's appointment of a special representative, the timely deployment by the European Union of its rapid reaction forces to Ituri, the deployment of the Economic Community of West African States' Mission in Liberia (ECOMIL) and the African Union's deployment of its peacekeeping mission in Darfur. It is critical that the necessary financial and other support be provided to regional and subregional organizations to enable them to effectively contribute to the protection of civilians in armed conflict.

Thirdly, we have seen strengthened humanitarian assistance and response by United Nations agencies and non-governmental organizations to the needs of civilians in conflict. That humanitarian action has helped to reduce conflict-related deaths, including death through malnutrition and disease, and to shield innocent children, women and men from some of the worst side effects of armed conflict. There is an important connection between protection and humanitarian action, and agencies have become increasingly aware of the protection aspects of humanitarian relief. We in the humanitarian community must continue to strengthen our capacities to respond where we have the access to do so.

Fourthly, an increasing number of countries have signed and ratified the relevant international legal instruments. In September last year, more than 30 States took more than 100 treaty actions during the 2004 treaty event on the protection of civilians. Yet, it is disturbing to note that only 13 of the 26 countries in which there is currently an armed conflict are party to Additional Protocol II to the Geneva Conventions. Additional Protocol II is most relevant to the non-international conflicts with which we are mostly confronted, and its importance must be fully appreciated.

I also wish to underline the importance of the continuing work of the International Committee of the Red Cross — which is represented in this meeting — in promoting the key instruments of international humanitarian law, and I pay tribute to its work in that core area of its mandate. I would also like to congratulate the Red Cross and Red Crescent Movement for the historic agreement on a third protective emblem.

Finally, efforts to deter war crimes, crimes against humanity and genocide and efforts to break the prevailing culture of impunity in situations of armed conflict have been boosted by the establishment of the International Criminal Court. The Court's investigations in Uganda, the Democratic Republic of the Congo and the Darfur region of the Sudan, as well as the indictments already issued, should provide hope to the traumatized civilian populations in those countries and elsewhere that the unconscionable crimes committed against them will not go unpunished.

Improving the situation for civilians in armed conflict requires continuous engagement by the relevant Governments, the Security Council and the providers of humanitarian assistance and protection. Despite the progress I have just outlined, however, that engagement is too often inadequate, and grave areas of concern persist.

Stark and disturbing evidence that civilians continue to bear the brunt of armed conflicts has emanated from a broad range of conflicts over the past six years. In too many instances, civilians have been subjected to extreme violence. Indeed, our greatest challenge is how best to address the unconscionable acts of sexual and other forms of physical violence perpetrated against civilians. Forced population displacement has continued to be either a by-product or a deliberate strategy of warfare. Continued long-term conflicts have eroded social support structures. A prevailing culture of impunity has continued to spur cycles of violence and criminality. Millions of people have been denied life-saving humanitarian assistance. In many situations, humanitarian actors have been operating in a less secure environment, where deliberate attacks have been steadily increasing.

I would like to address some of those key protection concerns in more detail and to draw on current situations to illustrate those concerns.

Over the past six years, civilians have continued to bear not only the devastating side effects of armed conflict, but often have been deliberately targeted by parties to conflict, both non-State actors and

Government military forces alike. It is alarming that, in some situations, the very structures that should protect civilians — the military and law enforcement authorities — are, instead, committing violent crimes. In some areas — in Côte d'Ivoire, for example — Government-controlled militias and Force nouvelles troops have both been responsible for killings, rapes and other human rights violations. In some parts of the Democratic Republic of Congo, the joint military forces and armed groups linked to the Government have attacked villages and carried out extortion, looting and kidnapping for ransom. Perhaps most disturbing is the widespread sexual violence and abuse of women and girls. The problems caused by having 50,000 unpaid soldiers demonstrate the long-enduring legacies of armed conflict. Stronger action to restore and build the capacity of law enforcement and justice systems is critical.

Improving the security situation in the longer term requires firmer action in relation to disarmament, demobilization, reintegration and rehabilitation (DDRR). Lack of adequate and sustained funding for DDRR activities should not become the reason for which fragile countries slip back into conflict. The provision of economic and social support to local communities that shoulder the burden of providing reintegration assistance is crucial. We must ensure that all children and women associated with armed forces and groups, as well as issues related to women and children, are systematically included in every DDRR process. The high prevalence of small arms, light and easy even for a child to use, perpetuates that cycle of violence. We need to adopt and implement firm measures to combat the proliferation of small arms and light weapons, to control and reduce the illicit traffic in those weapons, including at the local level, and to involve ex-combatants and local communities, in particular women, in the collection and destruction of small arms and in demining.

Two years ago, I gave my first briefing to the Council on the grave situation in northern Uganda. Sadly, widespread physical violence, including night attacks on villages and camps, killings and forced recruitment, remain just a few of the perils still faced by civilians, particularly children, in northern Uganda. For children abducted and recruited by the Lord's Resistance Army, adequate resources to allow for appropriate reintegration are needed urgently, particularly to help girls deal with their serious reintegration challenges.

Efforts by peacekeeping missions to provide physical security for civilians under imminent threat of physical violence need to be augmented by concrete measures to facilitate a secure environment more generally. It is vital that multidimensional peacekeeping missions work to improve the overall security situation. Working closely with the African Union and other regional and intergovernmental organizations towards that objective is crucial.

Violence directed against civilians continues to trigger high levels of population displacement. More than 50 per cent of the world's 23 million displaced are found in just three countries: the Sudan, Uganda and the Democratic Republic of the Congo. There is now a danger that long-term displacement in Darfur will become entrenched, with a real risk of compounding an already desperate situation. We must not allow Darfur to become tomorrow's northern Uganda, where over a generation of displacement has resulted in exploding mortality rates and eroded social structures.

Normal life is foreign to an entire generation. Long-term displacement is pernicious. Long-term displacement kills. It kills people. It kills societies. We must make every effort to speed the return of people to their normal lives. Security measures in northern Uganda must not add to the suffering of the civilian population, and while people remain displaced, they must be able to engage in economic activity and maintain their capacity to return to normal lives and livelihoods. That requires increased commitments from both the humanitarian and the donor communities, as well as a commitment from the Government to implement its own policy on the internally displaced.

The displacement of populations is not necessarily linked to camps. Equally difficult challenges exist when those who have been displaced are merged with local communities, which then must bear the main burden. In Côte d'Ivoire, for example, the majority of the 500,000 people displaced live with host families and therefore easily fall outside safety nets and beyond the reach of humanitarian organizations. The host families face economic difficulties that, combined with the climate of impunity, have led to sexual exploitation, prostitution and forced child labour. Immediate action is needed in

order to avert a further deterioration in the situation in Côte d'Ivoire.

Obstructed or restricted humanitarian access remains a key concern in most conflict areas around the world. Poor security is tantamount to denying access. I wish to recall the Security Council's statement in resolution 1296 (2000) concerning the need for all parties, including non-State entities, to cooperate fully with the United Nations humanitarian coordinator and the humanitarian agencies in providing access. To facilitate such access, based on the support of the Council, my office will soon launch a manual on humanitarian negotiation with non-State actors in armed conflict. Humanitarian workers must be able to negotiate with all actors with influence or control over territory in which populations are in need of assistance and protection. In line with the humanitarian principles of neutrality, impartiality and independence, such negotiations will in no way imply recognition or legitimization of the non-State actor concerned.

Humanitarian personnel increasingly find themselves exposed to threats, violent attacks, kidnappings for ransom and ambushes. In the month of October alone, 10 humanitarians were killed in northern Uganda and the Sudan, while in Afghanistan, five medical aid workers were killed and three seriously wounded when their vehicle was attacked. Statistics from the United Nations Department of Safety and Security reveal startling increases in incidents against United Nations personnel over the past 12 months. Assaults, for example, have increased from 120 in 2004 to 407 in 2005, and kidnappings have increased from two to 20. Incidents of harassment and delays at checkpoints in the occupied Palestinian territories have numbered in the thousands every year. We hope that the United Nations role in tracking progress in the implementation of the recent Israeli-Palestinian Agreement on Access and Movement will have a positive impact on overall access and freedom of movement there.

As the Security Council has consistently stressed, all parties must guarantee the safety, security and freedom of movement of United Nations and associated personnel, as well as personnel of humanitarian organizations. In that connection, I welcome the General Assembly's adoption yesterday of the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel. The new Protocol expands the application of the Convention to the implementing partners of the United Nations agencies — those delivering humanitarian, political or development assistance in peacebuilding or delivering emergency humanitarian assistance. I urge the Council's support in promoting the ratification of the new Protocol and the Convention itself, which to date has received only 79 ratifications.

A humanitarian response cannot be effective without adequate security conditions and a safe and secure operating environment. How much can 13,000 humanitarian workers in Darfur achieve, for example, when their movements are restricted due to threats, harassment and attacks? The mere presence of aid workers in the region does not ensure assistance and protection.

The presence of aid workers should therefore never be used as an alibi to camouflage the absence of genuine efforts to find lasting political solutions. Year in and year out, we are unable to undertake adequate humanitarian programmes in severe emergencies because no coherent and systematic attempts are made to end the conflict. We become an expensive plaster on an open, unhealed wound. The band-aid approach costs lives and ultimately costs the international community dearly in both moral and financial terms. Many violent conflicts have persisted for years on end without sufficient efforts devoted to peacemaking, and they become more complex and difficult to resolve with each passing day, as we have seen in Somalia, Côte d'Ivoire and northern Uganda. The colossal toll on the civilian population and the many wasted opportunities for peace become tragically clear in hindsight. In northern Uganda, for instance, it would have been unthinkable several years ago that we would allow tens of thousands of children to be mutilated, killed, raped, tortured, abducted and forcibly recruited. The conflict in northern Uganda has obvious regional dimensions, with the Lord's Resistance Army (LRA) crossing the borders into southern Sudan and the eastern part of the Democratic Republic of the Congo, disrupting return efforts, interrupting aid efforts and destabilizing the region.

The broad international support for the peace process in southern Sudan is now, at long last, allowing refugees and displaced persons to return to their home communities. For how much longer can we tolerate the inadequacy of the resources given to resolving the conflict in northern Uganda? That conflict that has gone on for 19 years, with minimal resources allocated

to peacemaking. A solely military solution there is not possible. Efforts to end the violence and to secure the safety of the population through negotiations must be dramatically strengthened. We cannot but applaud courageous individuals such as Mrs. Betty Bigombe, who continues to try to find ways to engage with the LRA in order to save lives and explore opportunities for peace, despite inconsistent financial and political support. At the same time, the Government of Uganda must do more to fulfil its responsibilities to its people in the north.

We now have an opportunity to finally put the Secretary-General's good offices and mediation capacity on a more robust and professional footing, as supported by the 2005 world summit. Mediation efforts have for too long been a missing link. We need increased and predictable mediation efforts that ensure that the protection concerns of the population are taken into account. We must make the world summit's commitment to peacemaking and mediation an early reality, and we must prioritize peacemaking efforts where there are serious humanitarian consequences.

The Secretary-General, in his recently released report on the protection of civilians in armed conflict (S/2005/740), provides a five-year perspective on the changing environment of conflict. As I conclude, I would like to underscore three of the recommendations for action contained in that report, which is before the Council today.

First, the current framework needs to be updated to reflect the current environment of conflict and the latest developments and best practice in providing protection to civilians in armed conflict. Five years after the previous resolution on the protection of civilians, we need a new resolution to guide our future work. I thank the United Kingdom presidency for its role in facilitating negotiations on a new resolution, and I urge the Council to ensure that the strongest possible language is adopted. The eyes and ears of the world community, including human rights and humanitarian workers, are on the Council. This is not a time to weaken our joint resolve to protect those who need protection most.

Secondly, we need to improve the collation of empirical data for both situation-specific and global trend analysis to facilitate the Council's deliberations and decision-making. It is important that the Council be properly informed about the nature and extent of protection needs in countries of concern so that its response can be better tailored to the specific needs of the population. To this end, I welcome the efforts that have been made in the Sudan and in the Democratic Republic of the Congo to establish incident-reporting systems, and I would encourage such systems to be established in other countries of concern. My office has already initiated links with academic institutions in order to gain a better understanding of global trends and to inform future reports to the Council.

Thirdly and finally, as I said earlier, much more emphasis and support needs to be devoted to peacemaking, and all peacemaking efforts must reflect the protection needs of the civilian population. Those involved in peacemaking and mediation efforts are the natural partners of the humanitarian community in ensuring that the impact of conflict and violence comes to an end. This partnership must now be reinforced so that we can more effectively address the protracted suffering of civilians in armed conflict.

The conflict situations that I have touched upon have serious regional consequences and constitute a possible threat to international peace and security. The conflict in northern Uganda, for instance, is now a regional problem and a threat that, in my view, the Security Council needs to address more systematically. I hope to be able to return to some of those issues in more detail in my forthcoming briefing on the humanitarian situation in Africa.

The effective protection of civilians in situations of armed conflict requires stronger partnerships that systematically identify the various protection needs of civilians and who is best placed to address them. It requires sustained focus and a commitment to continually review the effects of security measures on the civilian population and to take measures to mitigate them. All of us — Governments, neighbouring States, regional organizations, the Security Council, peacekeeping missions and the humanitarian community — have an important role to play. I look forward to my continued engagement with the Council on this important issue in order to further enhance cooperation and strengthen measures to protect those who most need our help.

The President: I thank Mr. Egeland for his briefing. I would also like to thank him, on behalf of the Council, for his leadership of the Office for the Coordination of Humanitarian Affairs.

The Council will now hear a briefing by Mr. Jacques Forster, Vice-President of the International Committee of the Red Cross.

Mr. Forster: I would like to thank you very much, Mr. President, for having given me this opportunity to address the Security Council on an issue — the protection of civilians in armed conflict — that is at the core of the mandate and operational priorities of the International Committee of the Red Cross (ICRC).

In contemporary conflicts civilians are often the victims of the deliberate disregard shown by bearers of weapons for the strict obligation that they have under international humanitarian law to spare those not taking part in hostilities. Unarmed men, women and children are intentionally targeted for what they are.

The lack of political will to fully respect humanitarian law and other applicable rules remains the main impediment to protecting civilians in times of armed conflict. The prime responsibility for providing protection and solutions falls upon State authorities and all those who bear weapons. Humanitarian endeavours like those of the ICRC can never be a substitute for political action.

Article 1 common to the four Geneva Conventions clearly stipulates that States have an obligation not only to respect but also to ensure respect for international humanitarian law in all circumstances. That duty encompasses measures ranging from purely preventive action to the repression of serious violations of humanitarian law.

The ICRC has a duty to act on behalf of all persons affected by armed conflict and other forms of violence, without distinction. However, it takes into account specific vulnerabilities and needs, such as those of internally displaced persons, women, missing persons and their families, and children, with regard to whom the Security Council so strongly expressed its deep concern in the recent past.

The plight of internally displaced persons is of primary concern to the ICRC, whose priorities in this area centre mainly on challenges such as how to prevent displacement, how to alleviate the suffering caused by displacement once it has occurred, where and how to relocate internally displaced persons, how to take into account the needs of the resident population in areas hosting such persons and how to ensure security and protection for returnees.

The ICRC is convinced that enhanced cooperation is crucial to addressing the protection needs of internally displaced persons. Its efforts to coordinate with other humanitarian actors in this area are reality-based and action-oriented. We also believe that it is extremely important for humanitarian organizations to work in a complementary manner. That approach has sometimes led us to focus on preventing displacement, particularly in remote areas, and might lead us to do so again.

In times of armed conflict, women are the victims of various forms of violence due to violations of international humanitarian law. Many are wounded or killed. Others are marginalized and suffer anguish and deprivation after losing or being separated from family members. Sexual violence is all too often used as a weapon of war, targeting not only women, but through them the entire community. It is indeed one of the most difficult issues for humanitarian organizations to address. The social repercussions of rape are totally devastating for women if the community responds by stigmatizing the victim rather than by prosecuting the perpetrator.

Another issue to which I would like to refer is that of the plight of countless families whose relatives have gone missing as a result of armed conflict. These families make desperate attempts to ascertain the fate of their loved ones and are often unable to overcome their pain and rebuild their lives again, even years after the events. Any infringement on their right to know what happened to their relatives hampers reconciliation and peace efforts. The authorities must spare no effort to prevent people from disappearing and to deal with the consequences when they do. The ICRC takes a comprehensive approach to this issue, endeavouring to make a decisive contribution by carrying out preventive activities, visiting detained persons, advocating for and taking part in mechanisms to discover the fate of missing persons, promoting forensic activities and the return of human remains and also — last but not least — providing support to families.

To build acceptance, establish dialogue and play its humanitarian role effectively, the ICRC believes that it must continue to be, and be seen to be, neutral and independent. While recognizing that there are other

approaches to humanitarian action, we believe that neutral and independent humanitarian action has a clear added value for the protection of civilians in times of armed conflict and that it is essential to avoid the misperception that political, military and humanitarian actors all pursue the same objectives. Building trust and acceptance among all the parties to a conflict is an arduous undertaking. Such trust and acceptance may be rapidly destroyed, with lasting consequences, if doubts arise as to the independence of a humanitarian actor.

Let me conclude by stressing how important it is for the international community to prevent armed conflict and to support actions aimed at addressing its underlying causes in an effective and sustainable manner, thereby making the renewal of hostilities less likely. The adoption yesterday, by a diplomatic conference, of the Third Additional Protocol to the Geneva Conventions, whereby an additional emblem will be created, is a very important step that will enable the International Red Cross and Red Crescent movement to achieve universality at last, and thus protect civilians in armed conflict more efficiently.

The President: May I, on behalf of the Council, thank Mr. Forster and the ICRC for all the work that they do.

In accordance with the understanding reached among Council members, I would urge all speakers to limit their statements to no more than five minutes in order to enable the Council to carry out its work expeditiously. Delegations with longer statements are kindly requested to circulate the texts in writing and to deliver a condensed version when actually speaking in the Chamber.

As agreed in prior consultations, I intend to follow an alternating speaking arrangement, giving the floor to groups of three Council members and then alternating with the same number of non-Council-members. Procedurally, I will not invite speakers individually to take their seats at the Council table, nor will I invite them to take their seats afterwards at the side of the Council Chamber. While members of the Council are speaking, the conference officer will seat the next group of non-members at the Council table.

Mr. Mayoral (Argentina) (*spoke in Spanish*): First of all, my delegation would like to thank you, Mr. President, for convening this open debate on the protection of civilians in armed conflicts. At the same time, we would like to express our thanks to the Secretary-General for his fifth report on this subject, as well as for the valuable recommendations contained therein.

We also wish to thank and congratulate the Emergency Relief Coordinator and Under-Secretary-General for Humanitarian Affairs, Mr. Jan Egeland, for his introduction of the Secretary-General's report as well as the Vice-President of the International Committee of the Red Cross, Mr. Jacques Forster, for his presentation before this Council.

The Security Council is considering a new resolution on the protection of civilians in armed conflicts, five years after the adoption of resolution 1296 (2000). In spite of the positive impact of this rule and its immediate predecessor, resolution 1265 (1999), the years since then have been marked by a truly disturbing situation with respect to this subject. We understand that the Security Council, facing the new challenges that this situation brings, must adjust and improve the existing tools.

As we have previously stated before this Council, there is no national security issue that can prevail over the primary obligation of all States to fulfil the rules of international humanitarian law contained in the Geneva Conventions and their Additional Protocols. The international community cannot and must not remain indifferent when atrocities are committed against civilian populations. In such circumstances where national legal systems fail, the international community must not remain inert; it must assume its responsibility. This is why the International Criminal Court was created, in Rome. The Court has a fundamental role to play — to prosecute those who perpetrate crimes not judged domestically.

In expressing our condemnation of the damaging and generalized consequences of armed conflicts on civilians, we cannot ignore the particular way that armed conflicts affect women, children and other vulnerable groups. In this respect, in our opinion, the implementation of resolutions 1325 (2000), on women, peace and security, and 1539 (2004) and 1612 (2005), on children in armed conflict, as well as other relevant standards of this Council, must continue to be developed in depth.

The attacks against civilian populations or other protected persons and the systematic, manifest and generalized violations of international humanitarian

law and international law regarding human rights in armed conflict situations are a threat to international peace and security and require adequate consideration and response from the international community. In this context, we would like to recall that this Council has expressed its willingness to examine from this perspective those situations that affect refugees and internally displaced persons and to adopt, when necessary, adequate measures to contribute to the establishment of a secure atmosphere for civilians threatened by conflicts, as well as to consider the advisability and feasibility of establishing provisional zones and corridors of security to protect civilians and guide humanitarian assistance.

The secure and unhindered access of humanitarian personnel, including those recruited locally, to places where armed conflicts are taking place, is essential. States affected by conflicts, as well as neighbouring States, must cooperate with the United Nations in facilitating such access.

In the broad context of this debate, it seems to us opportune to recall the agreement reached at the recent High-level Plenary Meeting with respect to the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, taking into consideration the individual responsibility of States and the international community as a whole to act in those cases through the United Nations, including the Security Council.

With respect to the special situation of the vulnerability of refugee camps and internally displaced people, it is our understanding that the Council should, in certain cases presenting a special threat, consider the deployment of a peacekeeping presence, including regional forces, when the State concerned is not in conditions to provide such protection.

The Council must continue to develop the tools that it has at its disposal to face the needs deriving from the new conflicts, which affect the security and the well-being of civilian populations. In that context, we underline the importance of supporting the peacekeeping, peacebuilding and political missions of the Organization by means of mandates that take into consideration the needs deriving from the protection of civilians in conflict and post-conflict situations.

Furthermore, it is important that States and forces that participate in peace processes and agreements should take specific measures for the protection of civilians and their rights in the post-conflict situation, including both their physical security and the various aspects of the restoration of the rule of law.

Finally, we support the proposal of the Secretary-General for the Security Council to update the existing framework for the protection of civilians through a mechanism for collecting information concerning the protection of civilians and for reporting protection incidents in the countries whose situations are on the Council's agenda, especially those countries that have been the site of intensive military operations, with the aim of achieving a greater focus on the issue of the protection of civilians in the Security Council's work and deliberations.

Mr. Sardenberg (Brazil): I thank you, Mr. President, for promoting this open and timely debate on the protection of civilians in armed conflict, which is one of the most challenging issues the international community confronts. I would like to express my delegation's appreciation to Under-Secretary-General Jan Egeland for his thought-provoking briefing, as well as to Mr. Jacques Forster for his very interesting and precise contribution to our debate this morning. Brazil is fully aware of the indispensable and neutral humanitarian work performed by the International Committee of the Red Cross in this area of high concern.

Years have elapsed since the adoption of Security Council resolutions 1265 (1999) and 1296 (2000), which underlined our profound concerns at the plight of the civilian victims of armed conflict. Since then, the Council has dealt with the issue of the protection of civilians not only within its regular thematic debates but also in tackling country-specific situations.

In the course of our discussions, much has been said about the nature of contemporary warfare and its heavy impact on civilians. The latest report of the Secretary-General (S/2005/740) highlights two of the most troubling features of today's conflicts: forced displacement and sexual violence. The reality is that civilians in armed conflict have gone through all sorts of hardships, including indiscriminate killings and mutilation, as well as starvation, disease and the loss of their livelihoods. Against that bleak background, the work of humanitarian personnel, who bring healing to those in need, has, in many cases, been thwarted by the denial or the obstruction of access, poor conditions of

security and the regrettable continuous lack of resources.

As a consequence, we have developed a set of rules and principles that seek to limit the consequences of armed conflict. But the international community still falls short of ensuring a more effective application of humanitarian law. Violations must be prevented or duly punished. While we underscore that States bear the primary responsibility to exercise their criminal jurisdiction, account must be taken of the full range of judicial mechanisms that can complement national jurisdictions, the foremost being the International Criminal Court. In that respect, the report of the Secretary-General refers to the three investigations already under way; those are very positive developments. By bringing perpetrators to justice, the Court will be able to provide long-term deterrence, with a positive impact on the protection of civilians.

At the country level, capacity-building is crucial to enhance the national legal, law enforcement and judicial systems, as well as to develop other long-term post-conflict initiatives. We particularly stress the importance of disarmament, demobilization and reintegration programmes for creating a secure environment that is sustainable. Those programmes need to be fully provided with resources, especially in the reintegration phase. In countries emerging from conflict, disarming and demobilizing activities need to be matched with actions to reintegrate former combatants into society through employment support and income-generation projects. My delegation emphasizes, in that regard, the fundamental importance of making adequate and predictable resources available for the full completion of disarmament, demobilization and reintegration programmes and activities.

With respect to the provision of humanitarian assistance, we have been supportive of efforts to make the United Nations humanitarian system more predictable. We should aim at ensuring a more equitable distribution of humanitarian assistance so that aid can be allocated in a non-discriminatory, balanced and proportionate manner.

Our delegation took note of the ideas to improve reporting to the Security Council. But it is our understanding that the compilation of data on issues and trends regarding the civilian population would concern only countries whose situations are on the agenda of the Security Council. In addition, the thematic discussions in the Council should be linked to country-specific situations of which the Council is seized.

As for the responsibility to protect, the Foreign Minister of Brazil, Mr. Amorim, reminded us at the opening of the sixtieth session of the General Assembly that, while the concept does merit an adequate place in our system,

> "The United Nations was not created to disseminate the notion that order should be imposed by force. That extreme expedient can be considered only when all other efforts have been exhausted and peaceful solutions have proved not to be viable." (*A/60/PV.9, p. 5 and 6*)

Furthermore, the World Summit Outcome stresses that the General Assembly should examine the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity and assess all its ramifications, bearing in mind the United Nations Charter. At the same time, in the section on the use of force under the Charter of the United Nations, the Summit Outcome reaffirms that the relevant provisions of the Charter are sufficient to address the full range of threats to international peace and security.

Returning to the issue of the protection of civilians in armed conflict, the Security Council must continue to be fully engaged, but, while remaining seized of that issue, the Council must also recognize the essential roles of the General Assembly and the Economic and Social Council in the field of the protection of civilians and must work in close coordination with them, because those bodies are able to address other important dimensions of the issue, such as the critical topic of humanitarian funding.

I wish to conclude by paying tribute to the humanitarian community, those who still provide hope for people who are suffering all over the world.

Mr. Idohou (Benin) (*spoke in French*): I should like to express to the Secretary-General my delegation's great appreciation for the clarity of his fifth report on the protection of civilians in armed conflict (S/2005/740). I should also like to welcome the presence among us of the Vice-President of the International Committee of the Red Cross and to thank him for his contribution to today's debate, which leads

us to reassess problems related to the human condition and its complex nature.

Over the centuries, a set of norms and principles has been established that has made it possible to expand the influence of the human ideal within the collective consciousness, to the point where, at the turn of the century, one could speak of the continual improvement of humanity, since the aspirations of individuals and peoples to the rule of law was obvious.

The changes that accompanied the end of the bipolar world and the birth of a new world order at the end of the 1980s led to an increase in the number of internal low-intensity armed conflicts. Those conflicts were caused by the prolonged destabilization of some countries, with the appearance of rebel groups and other non-State armed groups, thanks to the proliferation of small arms and light weapons.

The behaviour of those non-State actors resulted, strangely, in actions that were fundamentally negative and in complete violation of the contemporary legal, social and moral law. In some cases, these were formerly peaceful national or multinational communities in which a breach of the social contract occurred because of ethnic or religious intolerance or a ruthless battle for control over vital space and resources. Those phenomena are described in detail in the Secretary-General's very instructive report, in the section on general trends of the situation of civilians in contemporary armed conflicts.

The heart-rending picture of the practices cited enables us to realize not only the degree of moral decay of the perpetrators of the acts in question, but also the magnitude of the challenge that must be met in order to restore the rule of law, particularly international humanitarian law, so as to restore peace in countries in conflict situations. The international community, which embodies the principle of humanity, and the United Nations are deeply frustrated by the crimes against human dignity committed in contemporary armed conflicts. They must resolutely commit themselves to combat and put an end to such crimes by using the means offered by the Charter.

We must recognize and duly appreciate the considerable progress made in this area since the Secretary-General's first report on the issue of civilian protection. This time, once again, the Secretary-General has usefully presented various aspects of critical situations that the United Nations must address through its competent bodies, particularly the Security Council. In that regard, he has significantly facilitated the Council's work by clearly identifying current problems and by providing specific indications concerning actions that could be undertaken at the appropriate level.

It would be a good idea if the Council could promptly reach a consensus concerning proposed measures with regard to strengthening the normative framework and operational protection and assistance activities. In that connection, we fully support reaffirmation of the major responsibility of the international community, acting through the Security Council, to ensure effective and efficient civilian protection when public authorities are unable or unwilling to provide it.

We do that even more easily when we recognize that that same collective responsibility to protect is the basis of the creation of the African Union and its structures concerned with the maintenance of peace and security. We also support the approach of giving peacekeeping operations adequate mandates that enable them to fully carry out the duty to protect threatened civilian populations.

The role of justice in combating violations of international humanitarian law is crucial. United Nations action must be aimed at developing reliable national judicial institutions as a means of preventing armed conflicts. But it must also promote recourse to international justice whenever national circumstances do not permit reliable prosecution of perpetrators of violations of international humanitarian law and human rights law.

The issue of the lack of a multisectoral monitoring and follow-up mechanism, presented as one of the gaps in the current framework for the protection of civilians in armed conflict, needs particular attention. We believe that the best solution would be to follow the model accepted for children affected by armed conflict. However, more thorough coordination of structures and institutions responsible for managing problems related to civilian protection would, in our view, permit greater comparable effectiveness, ensuring consistency in assistance and supervision policies and programmes by taking into account the regional dimension and the mobilization of adequate resources for financing crucial activities such as the social reintegration of ex-combatants and the

rehabilitation of child soldiers and female victims of sexual exploitation.

From that perspective, we appreciate the systematic data-collection mechanism currently used by the relevant structures of the United Nations system, supported by existing sectoral monitoring and follow-up mechanisms and by the maintenance of databases on incidents in conflict-affected countries.

The Secretary-General has quite rightly drawn the Council's attention to the issue of guaranteeing access to populations requiring humanitarian assistance, as well as to the grave attacks against the physical safety of humanitarian assistance personnel. We believe that the Council must not limit itself to proscribing such attacks; it must also provide protection for such personnel through means commensurate with the risks that they take.

We cannot conclude without paying a well-deserved tribute to humanitarian assistance personnel for the courage and devotion that they have shown working in the service of peace and human dignity.

The President: I now give the floor to His Excellency Mr. Alfredo Mantica, Deputy Minister for Foreign Affairs of Italy.

Mr. Mantica (Italy) (*spoke in French*): Permit me at the outset to express to you, Mr. President, my heartfelt thanks for giving me the opportunity to speak today on a subject — the protection of civilians in armed conflict — that could easily be described as historic, given its importance and timeliness in the context of the contemporary human rights system.

The suppression of human rights violations caused by domestic and international conflicts is one of the main aspects of Italy's efforts and of the European Union to defend and promote human rights and fundamental freedoms throughout the world. After the adoption of resolutions 1265 (1999) and 1296 (2000) on the protection of civilians in armed conflict, we have encountered difficulties and made limited progress in protecting civilian populations affected by conflict situations, as indicated by the conclusions of the Security Council presidency in June 2005. Given those conclusions, Italy is deeply convinced of the urgent need to guarantee the physical safety of displaced populations and other more vulnerable groups — particularly women and children — who are too often the objects of atrocious forms of abuse and violence. Therefore, helping to create a safe environment for endangered populations and groups, particularly in the most high-risk areas, must be a fundamental objective of peacekeeping operations. This is an issue that Italy has followed closely for a long time.

Thus there is a need for another Security Council resolution on the protection of civilians in armed conflict that takes into account, inter alia, the outcome of the recent United Nations summit with respect to the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, which Italy fully concurs with and supports resolutely.

My country is committed to making an effective and well-thought-out contribution to the protection and promotion of human rights, in particular in the tragic and complex situations created by armed conflict. Allow me to recall that Italy worked resolutely to include in its priorities, during its European Union presidency in 2003, the question of the protection of vulnerable groups in domestic conflicts. Indeed, we were well aware of the magnitude of that phenomenon, which, as stressed in the latest report of the Secretary-General of November 2005, involves nearly 25 million displaced persons within countries in conflict.

Given its concern in that respect, Italy focused its attention primarily on acquiring greater knowledge about the phenomenon and on training peacekeeping forces, so as to meet the need to safeguard the fundamental rights of civilian populations involved in situations of war and conflict.

My country's efforts were also focused on the tragic situation of the millions of children involved in armed conflict. The rights and fundamental freedoms of those millions of small victims continue to be systematically violated. Italy has historically been one of the countries in the forefront of efforts to eradicate the phenomenon of child soldiers and their recruitment. During its presidency of the European Union in 2003 in particular, Italy devoted its efforts to the elaboration and adoption of the European Union Guidelines on Children and Armed Conflict in the framework of the understanding with the Special Representative of the Secretary-General, Olara Otunnu; with UNICEF; and with the principal non-governmental organizations in that sector.

Moreover, Italy is engaged in active and ongoing cooperation with UNICEF in the context of collaborative projects aimed at improving the situation of such children by helping countries needing such assistance in the process of rehabilitating those smallest victims and reintegrating them into society.

Given my country's long history of working for the protection and promotion, pure and simple, of human rights and fundamental freedoms throughout the world, I cannot but reiterate here Italy's resolute support for the draft resolution under discussion and express the sincere hope that it will be adopted today. The achievement of our common goal — to devise effective international means to ensure the protection of vulnerable populations and categories which are facing grave threats in the context of domestic and international conflicts — is near at hand, and our joint efforts must focus on limiting, mitigating and combating all forms of abuse and violence afflicting civilians in modern-day armed conflicts.

The President: The next speaker on my list is the representative of Peru, to whom I give the floor.

Mr. De Rivero (Peru) (*spoke in Spanish*): The delegation of Peru congratulates you, Sir, on having convened this open debate on the protection of civilians in armed conflict. We would like also to thank Under-Secretary-General Jan Egeland for his introduction and to highlight the work done by his Office to promote the protection of civilians in armed conflict — work which today does great credit to the United Nations. I cannot but note that the events referred to in his report cause us grave concern.

In my delegation's view, the question we are considering is one of the most important issues on the Security Council's agenda, given its humanitarian and ethical implications and given its scope, which encompasses the prevention of conflict escalation and the restoration, maintenance and consolidation of peace.

The primary responsibility to protect populations — as was noted earlier, we could not agree more — from genocide, war crimes, ethnic cleansing and crimes against humanity lies with each State, and cooperation is necessary to ensure that this is the case. In armed conflicts, the protection of civilians is also the responsibility of the parties to the conflict, be they States or armed groups.

The United Nations has a responsibility to protect populations from serious and systematic violations of international humanitarian law, in particular the Geneva Conventions. Cases of genocide, war crimes, crimes against humanity or ethnic cleansing should meet with an immediate and firm response by the Security Council.

The responsibility to protect must be viewed as a concept that guarantees the achievement of the ultimate goal of State sovereignty, which is none other than safeguarding the human rights of a State's own citizens and promoting respect for the human dignity of its own people — a fundamental element of its own definition as a civilized State. That was the understanding reached last September by our heads of State and Government, who forged a new consensus so that action could be taken to avoid any recurrence of genocide such as took place in Rwanda and in Srebrenica.

The United Nations must never abdicate its ethical responsibility to safeguard and defend the human rights of individuals throughout the world. Human rights are of concern to all States in the international system, and respect for such rights is a sine qua non for the legitimate exercise of national sovereignty. Accordingly, it is important to ensure access to humanitarian assistance for civilian populations affected by conflict, with full respect for humanitarian work and for internationally agreed principles on humanitarian assistance, and to protect humanitarian personnel and civilian populations, particularly its vulnerable segments, such as women, children, refugees and internally displaced persons.

The reality is that, in various situations of conflict throughout the world, the United Nations has often been unable to prevent genocide, massacres and ethnic cleansing. Against that backdrop, Peru has stressed the importance of an ongoing focus by the Council on the concept of the responsibility to protect. That concept involves three basic responsibilities: first, to prevent the causes of domestic conflict; secondly, to respond — and this could include coercive measures, sanctions and, in extreme cases, the use of force; and thirdly, to reconcile the population and to rebuild the country that has collapsed.

An important measure to strengthen the credibility of the Council's efforts to protect civilians could be to have the permanent members of the

Council reach a gentleman's agreement not to use the veto when crimes against humanity are involved such as ethnic cleansing, genocide or grave and massive violations of human rights. That could deter those who might be planning to perpetrate atrocities. If such atrocities were committed, however, there could then be rapid action on the part of the Security Council. Moreover, that would be a coherent and consistent way of implementing the World Summit Outcome.

Acceptance of the concept of the "responsibility to protect" and its effective implementation by the Security Council are now extremely important for enhancing the credibility of the United Nations.

In that connection, my delegation would like to draw attention to the Security Council's decision to refer the case of Darfur to the International Criminal Court. This represents an important milestone on the path towards international justice for grave violations of human rights and strengthens the position of the United Nations in adopting appropriate measures to help the victims of massive violations of human rights, to defend the rule of law and, above all, to put an end to impunity and bring the perpetrators of such violations to international justice.

The investigation by the Prosecutor of the International Criminal Court will help uproot the sense of impunity that exists today with respect to Darfur, and will help — in cooperation with the international authorities and the Government of the Sudan — to ensure that the perpetrators of violations are brought before tribunals and judged with all the guarantees required by international standards. In that way, the victims of these violations may receive compensation — at least moral compensation — and may again hope to rejoin their society with dignity.

But judicial deterrence is not enough. At times, solid mandates are required for peacekeeping operations. Peru agrees with the Secretary-General that in the five years since the adoption of resolution 1296 (2000) there have been new challenges to the safety and well-being of civilian populations and the tools that we have at our disposal to address these concerns need to be developed accordingly.

We believe that it is important to improve the design of peacekeeping missions, supported by specific mandates for the protection of civilians during conflict. Moreover, my delegation agrees that we need a new resolution to update the framework used by the Security Council to provide support for the protection of civilians, in order to ensure that this new environment is better reflected in the capacity of the United Nations to respond.

In that connection, we believe it is important to take into account regional and subregional organizations which can play a major role because they are in a better position to have a more complete picture of the situation and of possible solutions for the countries of the region. In the case of the American continent, the Organization of American States should at last be enabled to take an active role alongside the Security Council.

In conclusion, I must recognize that to strengthen the protection of civilians after the cessation of conflict, during the post-conflict period, there must be resolute action to build national democratic institutions — not so much through general elections, but beginning with democracy at the local level, then progressing to general elections. Frequently there are elections which do not turn countries into democracies. Also, it is important, during post-conflict reconstruction, to put viable economies in place, because the majority of countries that have collapsed had economies that were poorly integrated in the world economy. This creates social marginalization, which, in the final analysis, is the cause of the collapse of States and the conflicts that the Security Council faces.

The President: I now give the floor to the representative of Canada.

Mr. Rock (Canada): I have the honour today to speak on behalf of Australia and New Zealand as well as Canada. I thank members of the Council, and in particular the United Kingdom, for convening this open meeting on the protection of civilians. May I first express our strong support for the statements made and the positions advanced by the Emergency Relief Coordinator, Jan Egeland, and by the Vice-President of the International Committee of the Red Cross (ICRC), Jacques Forster.

The Secretary-General's report (S/2005/740) effectively outlines the main trends in civilian protection. It makes sadly evident to us all that the picture presented is a grim one. The deliberate death and displacement of civilians remains an active aim of combatants in a significant number of conflicts. Impunity for violations of human rights and humanitarian law, including acts of sexual and gender-

based violence, are leaving a painful legacy for war-torn societies to manage. In some instances, such as in northern Uganda, there is an urgent need for Council action. Once again, we call on the Council to place northern Uganda on its agenda. I note the recommendation in that regard by Jan Egeland in his presentation this morning.

Security Council resolution 1296 (2000) and its companion text, resolution 1265 (1999), ushered in a new and important Council idiom. In each, emphasis was placed on addressing the legal and physical protection needs of civilians in international peace and security deliberations, and on the commitment of the Council to ensure that those issues are at the forefront of its decision-making and of its action.

And so, five years on, how should we assess the work of the Council? Our delegations would respectfully observe that there are areas in which the Council must do more. On the one hand, the Council has made significant strides to build and strengthen the repertoire of actions that it can take in support of civilian protection. Peacekeeping missions have been given express mandates to use force when civilians are under attack. Targeted sanctions have been applied which take into account humanitarian considerations. Fact-finding missions to regions of interest have been undertaken. The Council has made a referral of a particular case to the International Criminal Court (ICC). And greater emphasis has been placed on issues related to humanitarian access.

But on the other side of the coin, the Council remains reluctant to engage in countries where we believe there are good reasons for the Council's involvement. That reticence is frustrating to those of us who wish to see greater use of preventive diplomacy. What is more, when the Council does indeed engage and where troops have been deployed, the Council and the United Nations membership as a whole sometimes fail to ensure that missions are adequately equipped and resourced to fulfil their assigned tasks. We are concerned as well that the Council has been inconsistent in the messages it has sent in response to war crimes and crimes against humanity, as well as in the monitoring and enforcement of its own resolutions. The continued impunity of militias in Darfur is a serious challenge to Council credibility.

In resolution 1265 (1999) the Council committed itself to respond to situations where civilians were being targeted or where assistance to them was deliberately obstructed. Our delegations firmly believe that, where such a response is justified, the Council's engagement must be timely, its monitoring must be vigilant and its political will must be sustained so that it can draw upon the full range of measures at its disposal in support of civilian protection, including, ultimately and as a last resort, the use of force where diplomatic efforts have proven futile and where States are not able to meet and discharge their responsibility to protect their own populations.

Indeed, the United Nations Charter confers on the Council the primary responsibility for the maintenance of international peace and security. This is why our leaders made a strong commitment at the world summit to respond, through the Council, to fulfil the collective responsibility to protect. As such, we urge Council members to take up the mandate conferred by the world leaders, especially as the Council looks to adopt a new resolution on civilian protection. Our delegations believe that a resolution should not only reinforce the Council's commitments under resolution 1265 (1999), but should also further clarify the Council's resolve to act, including through enforcement action under Chapter VII, in response to serious violations of international humanitarian law, including genocide, war crimes and crimes against humanity, should peaceful means be inadequate and should national authorities manifestly fail to protect their populations. We also call on the Council to make greater use of its power to refer situations to the International Criminal Court and to make every effort in organizing its work so that such issues do not become the basis for political controversy. Clearly, accurate information is essential to assist the Council in that regard. The Secretariat must move quickly to improve its reporting, as promised by Mr. Egeland last December and as noted in paragraphs 50 to 52 of the report of the Secretary-General.

We would also like to see the implementation of existing protection-of-civilian mandates more systematically monitored by the Security Council and the Secretariat. The aim must surely be to consistently draw lessons and good practices and to improve our collective effectiveness. Indeed, in a workshop hosted by Canada last week on the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) with members of the Council, the Deputy Force Commander in the Democratic

Republic of the Congo and the Deputy Special Representative of the Secretary-General in MONUC, it became clear that greater attention has to be given to ensuring that missions can focus on their protection-of-civilians tasks without being overburdened with multiple other responsibilities, and that training programmes should be developed to help troops and police better understand what it means to participate in a civilian-protection mission.

The workshop also reinforced the need for national Governments, United Nations agencies and troop-contributing countries to develop strategies to prevent and respond to instances of sexual and gender-based violence while the Council considers how peacekeeping missions can enhance the physical security of women and children at risk.

While the Council has increasingly been attentive to the needs of the displaced, we wish to emphasize that such attention must go from words to deeds. In its previous resolutions, in particular resolutions 1208 (1998) and 1296 (2000), the Council noted the value of technical cooperation in support of host countries in instances where refugees and internally displaced persons are threatened by combatants. We regret that the Council has not yet promoted such efforts in a specific context. Our delegations encourage the Council to draw upon that option. Identifying ways to improve the protection of displaced persons in northern Uganda is a specific case the Council must urgently explore, as more must be done politically to address the tragic cycle of displacement and violence.

The deteriorating situation in northern Uganda has also resulted in an upswing in attacks on aid workers, not unlike other crises currently on the Council's agenda, such as Darfur. Neither the Council nor the General Assembly has ever declared that an exceptional risk exists in a given country. Thus our delegations warmly welcome the agreement on an optional protocol to the 1994 Convention on the Safety of United Nations and Associated Personnel, which will lead to greater legal protections for United Nations and associated personnel. We call on all countries that have not done so to ratify the Convention without delay and to sign and ratify the optional protocol to bring it into force. But pending its entry into force, we call on the Council to make the exceptional risk declarations in situations where doing so is justified.

(*spoke in French*)

As we have stated on previous occasions, we would like a new Security Council resolution to address other issues as well. Those include support for greater cooperation between the Council and regional organizations dealing with the protection of civilians; issues relating to disarmament, demobilization and reintegration; more pro-active engagement on the issue of natural resources and conflict; and reinforcement of the fundamental importance of access to humanitarian aid. We would also like to see the Council commit itself to strengthening its enforcement and monitoring mechanisms on arms embargoes and other targeted sanctions. In that regard, it is important that a new resolution should endorse the guidelines developed by the Office for the Coordination of Humanitarian Affairs on the humanitarian impact of sanctions regimes.

In conclusion, we strongly urge the Council to adopt a stronger resolution that goes beyond what we achieved five years ago and that focuses not on narrow national priorities but on the needs of populations affected by conflict. We are aware that we have made very significant demands of the Council and the entire international community in our statement today. Our respective countries are resolutely committed to contributing to the collective success of our efforts. We look forward to working to that end with the entire United Nations system.

Mr. Gatan (Philippines): Allow me to thank you, Mr. President, and the delegation of the United Kingdom for convening this important open debate on the protection of civilians in armed conflict. I also wish to thank the Emergency Relief Coordinator and the representative of the International Committee of the Red Cross for their important briefings to the Council.

One of the grave tragedies of the changing nature of conflict is that its impact on civilians has become increasingly horrific. The characteristics and features of many of today's conflicts show that we have to adjust our protection strategies if we are to save and protect lives more effectively.

First, civilians are now not only caught in the crossfire as innocent victims, but are also deliberately targeted by many parties to conflict as part of warfare strategy. Secondly, exacting accountability from the perpetrators of violence against civilians is now even more difficult, with many violators being non-State actors, who are not bound by relevant international

legal instruments. While international law does cover the situation of civilians in inter-State conflicts, it is still difficult to make those parties to a conflict comply with the provisions of international law. Thirdly, globalization has made borders porous, so that many internal conflicts are becoming increasingly regional in character.

We could go on describing the changing landscape of conflict situations, yet those three examples should be enough to show that the changing nature of conflict demands new and enhanced protection strategies for civilians.

Today's efforts to combat terrorist activities have, inadvertently or otherwise, affected the safety of many civilians. We are concerned that counter-terrorism efforts, while intended to preserve security, have also sacrificed the lives of many innocent people. However, we are heartened that, through the General Assembly, States have once again reaffirmed the need to ensure that counter-terrorism measures comply with international humanitarian, human rights and refugee laws. In that regard, we welcome the ongoing dialogue with the Security Council and its Counter-Terrorism Committee and the relevant bodies dealing with the protection and promotion of human rights.

It is of the utmost importance that protection be delivered in a comprehensive manner. Because a comprehensive protection regime is multidisciplinary in nature — ranging from conflict-prevention measures to the protection of civilians in the midst of conflict, and including post-conflict protection and rehabilitation — the United Nations system must adopt a coordinated approach. For its part, the Security Council, through the ongoing negotiations on a draft resolution on the subject, will ensure that adequate protection components are embodied in existing peacekeeping mandates and that future mandates will be so designed as to give due priority to the protection of civilians. We look forward to receiving the empirical information that the Office for the Coordination of Humanitarian Affairs (OCHA) will submit so that the Council can assess with greater precision the impact and extent of its work on civilian protection, which should also point to areas where protection efforts need to be improved.

Access to affected civilians for humanitarian purposes has been stressed as key to providing protection. OCHA has emphasized in its past briefings to the Council that humanitarian access, because of many factors, remains a challenge. One of those factors is the increasing perception of the seemingly tarnished image of humanitarian assistance, including the perception that humanitarian assistance could possibly be diverted for political ends. That points to the value of ensuring that humanitarian assistance remain neutral, impartial and free from political objectives. The challenge of remaining faithful to those principles is also amplified by the involvement of non-State actors in many conflicts. There should be a proactive and renewed effort to emphasize the core motivation of humanitarian assistance: the safety and security of civilians.

Another factor that impedes humanitarian access is the lack of adequate protection space for humanitarian actors to do their work because actual combat has not ceased, or worse, because of attacks on the safety and security of United Nations and humanitarian personnel. We therefore stress the need to ensure that those providing humanitarian relief — primarily United Nations peacekeepers — be assured of the necessary protection and safety.

We have seen the important role of the African Union in addressing the consequences of conflict in the region. Indeed, regional organizations can effectively respond to the protection needs of civilians with immediacy. We welcome the efforts of the Secretary-General, such as his dialogue with heads of regional and other intergovernmental organizations in July, to strengthen partnerships in the area of protection of civilians. Nevertheless, it is a fact that most regional organizations do not have the necessary capacity to adequately respond to protection concerns. To address that gap, it would be important, as the Secretary-General recommends in his report, for Member States and intergovernmental organizations to make every effort to assist regional organizations in building their capacities to provide adequate protection support.

In conclusion, the Secretary-General, in his report, also recommends the possible intervention by the Security Council in situations of systematic and widespread breaches of international humanitarian and human rights law. My delegation, right up to this last stage of its term in the Council and as a member of the General Assembly, will continue to engage actively on the issue to ensure that the United Nations efforts aimed at protecting civilians are implemented in ways that balance effectiveness in achieving the desired

results against possible adverse consequences. We therefore look forward to the adoption of the Council's next resolution on the issue and will remain committed to its objectives.

Mr. Motoc (Romania): I should like to start by commending your presidency, Sir, for convening this open debate and for its unflagging dedication to the topic at hand.

Allow me to point out that Romania associates itself with the statement soon to be made by you on behalf of the European Union.

In my turn, I would certainly like to join others in thanking Under-Secretary-General and Emergency Relief Coordinator Egeland for his briefing, as well as Vice-President Forster for his inspiring intervention and, more generally, to commend through him the valuable work relentlessly pursued by the International Committee of the Red Cross to protect victims everywhere.

While acknowledging the disturbing facts that have been presented to us this morning, we are also considering today all possible options for consolidating the practice of protection of civilians in armed conflict. Let me, in light of the brief time at our disposal, highlight what is of particular importance to my country.

Under the British presidency, our delegations are working progressively towards the adoption of a new resolution — one that we have awaited these past five years — on the protection of civilians in armed conflict. Our most recent resolution, 1296 (2000), raised the human rights and humanitarian dimension higher on the working agenda of the Security Council. Since then, we have not hesitated to deal with the devastating effects of armed conflict on civilian populations. We have mandated peacekeepers to ensure the protection of civilians. We have activated mechanisms to end impunity and stop abuses in the Darfur region of the Sudan, northern Uganda and the Democratic Republic of the Congo. Following our call, the International Criminal Court is bringing to justice the perpetrators of the most serious crimes in those conflict situations. We have pledged full support for the appointment of a Special Adviser of the Secretary-General on the Prevention of Genocide. We have called for unimpeded humanitarian access and reacted promptly when humanitarian workers and United Nations personnel have themselves become targets.

Gaps remain, without a doubt, and the sober representation contained in the report of the Secretary-General that is before us is indeed alarming. It is our desire, of course, that the measures we take here have an immediate and relieving impact on civilians trapped in armed conflict. Much depends, however, not only on the action of the Security Council, but on the willingness of States to assume responsibility for protecting their own citizens.

My delegation is working with members of the Security Council to have this issue reflected as a matter of principle in the new draft resolution that we are negotiating on the protection of civilians in armed conflict. After five years, we are close to the adoption of that new draft resolution, which we hope will make a difference and stand as a more coherent and comprehensive response and approach by the Security Council. At this point, I would also like to add that our chances of successfully protecting civilians in armed conflict increase significantly when we understand the need to engage regional organizations and other key partners in that endeavour. Like other delegations that have spoken here, we have been consistently in favour of regional thinking in the Council's actions and of mutually reinforcing cooperation between the United Nations and regional organizations.

The previous practice of this Council in the field of protection of civilians in armed conflict and our current reflection on the matter, including in the preparation of the new draft resolution, show clearly that we have gone beyond the search for a mere vision of protection. We have designed solid safeguards and, with the valuable help of other good-faith partners, we have been able to move to concrete actions. From now on, it will only take applied willingness to promote and implement our own mechanisms for protection.

Mr. Rogachev (Russian Federation) (*spoke in Russian*): In the five years since the Security Council adopted resolution 1296 (2000), much has been done to increase the level of protection of civilians, the most vulnerable population groups in armed conflict, and to ensure people's right to a peaceful life. This year in particular, we adopted resolution 1612 (2005) on the protection of children.

Today, it is important to ensure the effectiveness of the work done by the monitoring and reporting mechanism and the objectivity and reliability of the information it provides. Many other tasks await us as

well. First and foremost, it is important to implement the existing Security Council instruments on that problem, of which we have quite a number in our arsenal, particularly with regard to children and armed conflict and to women, peace and security. They have great potential, and the Council could focus on implementing its own decisions in that area, identifying and removing obstacles to their implementation.

Having carefully read the report of the Secretary-General contained in document S/2005/740, we would like briefly to focus on a few points. We agree with the concern expressed about instances of restrictions on access by humanitarian personnel to populations caught up in armed conflict. The primary responsibility in that regard lies with the parties to a conflict. Member States should undertake a thorough analysis of initiatives to establish clear conditions for humanitarian access and the use of framework agreements in that area.

We cannot fail to mention the important role played by peacekeeping missions in resolving a whole set of problems related to the humanitarian component. The time has come to elaborate clear recommendations for interaction on these issues between the appropriate United Nations offices and non-State armed groups, without any commitment to recognize such groups.

There can be no doubt about the urgency of increasing the regional approach. One positive example of that is the unique peacekeeping role played by the African Union.

A prompt response by the United Nations to incidents of violence against civilians during armed conflict and combating sexual violence as a means of waging war are very important in dealing with crisis situations. We must consider the possibility of having peacekeeping missions protect civilian populations from physical and sexual violence. Fighting impunity and bringing to justice those guilty of such crimes are key factors in preventing violence.

It is appropriate in this context to stress the role played by the International Criminal Court and to recall the as-yet-untapped potential of the Fact-Finding Commission created in accordance with article 90 of the first Protocol Additional to the 1949 Geneva Conventions on protecting victims of war.

We were struck by the report's findings with regard to the responsibility to protect. We believe that it is clearly premature to advance that concept in Security Council documents. We all remember well the complex compromise that was required to reflect that issue in the 2005 Summit Outcome document. In that connection — and the outcome document states this — we need to have a detailed discussion in the General Assembly of the issue of the responsibility to protect before we can discuss its implementation.

It is difficult to agree that it is advisable to include under the heading of the protection of civilians such disparate concepts as armed conflict and terrorism. Clearly, the impact of terrorism on peaceful populations is an issue that, although somewhat germane to the subject under discussion today, will require a separate investigation in the appropriate forums — perhaps in one of the Security Council's subsidiary bodies dealing with counter-terrorism.

Mechanisms for early warning and for preventing war and conflict are of fundamental importance for ensuring the protection of civilians. The effective functioning of such mechanisms — which is, of course, conditioned by the effective participation of States — should lead to a situation in which the question of protecting civilians is no longer so prominent on the international community's agenda.

The President: The next speaker is the representative Germany, to whom I give the floor.

Mr. Pleuger (Germany): I would like first of all to point out that my delegation aligns itself fully with the statement to be made later on behalf of the presidency of the European Union.

Germany endorses the excellent report of the Secretary-General and the recommendations contained therein. We would like to thank the Secretary-General, as well as the Emergency Relief Coordinator, Mr. Egeland, for their efforts.

The protection of civilians in armed conflict remains extremely important to the international community. However, while we used to be concerned about civilian casualties as collateral damage in traditional warfare, our focus must now change. Armed conflicts in the twenty-first century are characterized by targeted attacks against civilians, forced displacement, sexual violence and indiscriminate killings. The battlefields of today are to be found in

cities and villages. Combatants terrorize the civilian population. Internal strife, civil war and terrorist attacks bring untold hardship to the civilian population.

As a member of the Security Council in 2003 and 2004, Germany repeatedly called for a new resolution on the protection of civilians in armed conflict. Complex crises, such as those in Darfur, the Democratic Republic of Congo and elsewhere, tragically demonstrate the need to fill the gaps in our current system for protecting civilians. We therefore wholeheartedly welcome the new draft text, and we appreciate the United Kingdom's efforts to reinforce and refocus our discussion of this matter.

We appreciate in particular that the draft resolution recalls in no uncertain terms the primary responsibility of States to protect civilian populations from war crimes, genocide, ethnic cleansing and crimes against humanity. It is also clear, however, that the international community has an obligation to help, through all means available under the Charter, in rendering such protection effective. Germany therefore strongly supports the inclusion of a reference in the text to that important concept, as recently outlined in the Summit Outcome document.

One of the tools that the international community has at its disposal is the International Criminal Court (ICC). The ICC can deter perpetrators and hold them responsible. It is important that the international community make use of the ICC as an effective instrument for the protection of civilian populations.

We welcome the fact that several countries have, over the past five years, adopted policies or legislation concerning internal displacement, and we call upon them to now implement that legislation. At the same time, the United Nations must do its utmost to ensure that civilians are fully protected. In that regard, Germany commends the United Nations for incorporating the protection of vulnerable groups into its peacekeeping missions.

In order to provide the best protection for civilians in armed conflict, a holistic approach is needed. Humanitarian relief, as well as development strategies, can ease the suffering of many people. In post-conflict periods, the United Nations must focus on capacity-building for administrative functions at the national, regional and local levels; the reintroduction of the rule of law and a functioning justice system; the training of potential candidates for police functions; the provision of quick-impact employment measures in cooperation with the private sector; and the rebuilding of infrastructure in order to reach the people in need.

The creation of the Peacebuilding Commission will allow the United Nations to better pursue that approach. However, post-conflict peacebuilding cannot be achieved by the United Nations alone; regional organizations and countries neighbouring the affected areas should also be involved.

The need to protect civilians in today's conflicts, and the difficulties that we are facing in that endeavour, constitute one of the many challenges of our time. In order to meet those challenges and address new threats, we must reform the current system. The adoption of the new draft resolution on civilians in armed conflict will be an important step towards the achievement of that goal.

The President: The next speaker is the representative of Iraq, to whom I give the floor.

Mr. al-Istrabadi (Iraq): I should like to congratulate you, Mr. President, and the Council for again convening this important and timely debate on protecting civilians in armed conflict. Regrettably, this topic is all too poignant and relevant for Iraq, as it is in too many places around the globe. We suffer daily from repeated and senseless attacks on our civilian population — children, women and men. Our schools are targeted by terrorists, as are the playgrounds in which our children play. Houses of worship and religious leaders, particularly in the Shia community, have often been the targets of terrorist attacks. Funerals and even hospitals have also been repeatedly targeted.

The ubiquity of light and automatic arms and the ease with which they are transported across international borders feed the terrorists' assembly line of death and mayhem. In Iraq, this has resulted this year alone in an estimated death toll of 30,000 civilian men, women and children. The goal of this senseless carnage, whether committed in Iraq or elsewhere, is clear: to disrupt ordinary life and engender fear and panic in the civilian population. In the specific case of Iraq, it is also designed to dissuade the international community from engaging with us in the reconstruction of our country. Sadly, many have become inured to this condition. It is rare indeed that a colleague, even here in the halls of the United Nations, thinks to condole us on any given day when another hundred or so Iraqi civilians have been killed.

The new Iraq stands today along with the civilized countries of the world in condemning the senseless and unjustifiable targeting of civilians. Our position is clear and unequivocal: the targeting of civilians is wrong at all times and in all places, regardless of the cause. Nothing can justify a derogation from the universally applicable principle that all belligerents must protect civilians at all times. No grievance, however legitimate, no religion and no political dispute can justify any deviation from this settled principle. It is fundamental in international humanitarian law, as it is in the conduct of the affairs of all civilized peoples.

But it is time to do more than just accept and debate another report on this issue. The United Nations and Member States should undertake practical steps to combat this scourge. In his report, the Secretary-General has made several concrete proposals to deal with States and groups that fail to discharge their duties to protect civilians. We urge the international community to take up those proposals.

To the extent that the Council again uses economic sanctions in the face of aggression against civilians, it is particularly appropriate for Iraq to remind it that it must ensure that such sanctions do not exact a toll from the most vulnerable in society, including children.

It is also time to establish strict protocols safeguarding against the transportation of light and automatic weapons across international boundaries. Unequivocal condemnation of terrorism wherever it may occur, coupled with controls on the transport of weapons, will undoubtedly result in decreased suffering by civilian populations worldwide.

As a country which itself is suffering from a terrorist campaign which targets civilians as a matter of course on a daily basis, we are disappointed that momentum has stalled on completing a convention on terrorism in the General Assembly. A clear and unequivocal condemnation of terrorism by the Assembly would go a long way towards affirming the commitment of the international community to enforce the duty to protect civilians at all times in all places.

We congratulate the Security Council for repeatedly taking a unanimous stand to condemn those who target civilians, not least in resolution 1618 (2005), which condemns such tactics in Iraq. We pledge to redouble our efforts to achieving progress on this vital issue in the General Assembly and urge all Member States to do the same.

Mr. Vassilakis (Greece): Thank you, Sir, for organizing this debate on an issue of great importance to this Organization, one addressed recently by the heads of States and Governments at the world summit. I also wish to express my appreciation to the Under-Secretary-General for Humanitarian Affairs, Mr. Jan Egeland, for his presentation of recent problems and challenges concerning the protection of civilians in armed conflict.

Before making my national comments on this issue, I would like to associate myself with the statement that you, Mr. President, will make later on behalf of the European Union.

The fifth report of the Secretary-General on the protection of civilians in armed conflict (S/2005/740) is of high quality. It reflects all the developments and achievements in the field of civilian protection since the adoption five years ago of the last Security Council resolution on the subject, resolution 1296 (2000). It also identifies gaps in the existing framework and makes concrete and realistic recommendations that, if implemented, could effectively meet current protection needs and concerns.

The facts contained in the Secretary-General's report are particularly alarming. During the past five years civilians not only continued to be caught up in violent conflicts, but targeted attacks, forced displacement and sexual violence, particularly against women and children, have become some of the most disturbing features of these conflicts.

Another disturbing fact is the continuing denial or obstruction of access to vulnerable populations by United Nations humanitarian personnel. This has serious implications for the protection and survival of thousands of people in need. All this indicates that the current level of protection of the civilian population needs to be enhanced by developing and improving existing means.

The draft resolution that you, Mr. President, took the initiative to pursue, which we fully support, is an important document. It addresses a complex range of current protection issues and identifies key areas of action by Member States, the United Nations and United Nations bodies that would ensure better protection and respect for the civilian population. We

wish to comment on some of these issues, which are also elaborated upon in the Secretary-General's report.

We firmly believe that respect for international humanitarian law, human rights law, refugee law and international criminal law provides the best protection for civilians in situations of armed conflict. Governments and non-State actors have the obligation to comply strictly with these laws. It is, however, disquieting that many States have not yet ratified all the treaties relating to the protection of civilians, particularly the Geneva Conventions of 1949 and their Additional Protocols of 1977.

As the Secretary-General points out in his report, the restoration of law and the tackling of impunity are vital in preventing further violence. Indeed, the fight against impunity, both at the national and international levels, can prevent the commission of serious crimes against civilians in the future and can help societies come to terms with past abuses. Domestic justice mechanisms are critical in pursuit of accountability. However, if national authorities are unwilling or unable to prosecute violators, the role of the international community is vital. The referral by the Security Council of the situation in Darfur to the International Criminal Court is a bold step towards putting an end to impunity and consolidating peace, security and justice in that society. We believe that the draft resolution should incorporate the elements to which I have just referred.

The early prevention of atrocities against civilians is an obligation of the State concerned. However, if that State is unwilling or unable to protect its civilians from such crimes, we believe that the Security Council has the political and moral obligation to take effective action and alleviate the human suffering. In this respect, we would like to underline the importance of the relevant paragraphs of the World Summit Outcome document concerning the responsibility of the international community to protect populations from genocide, crimes against humanity, war crimes and ethnic cleansing. The draft resolution should reflect these developments. In this respect, we want to emphasize the importance of early warning mechanisms in preventing the commission of such crimes.

The draft resolution under discussion devotes special attention to the physical protection needs of civilians in armed conflict, particularly those of women and children and of displaced persons and refugees. It condemns in the strongest terms sexual violence, the forcible recruitment of children and child abduction and calls on States to bring the perpetrators of such horrendous acts to justice. It also invites the United Nations to better address protection concerns in its peacekeeping mission mandates. We fully support that approach.

Likewise, we support the Secretary-General's suggestion that peace agreements should include commitments concerning the cessation of all attacks on civilians and of forcible displacement; the disarmament, demobilization and reintegration of ex-combatants; the facilitation of humanitarian access; the safe and sustainable return of refugees and internally displaced persons; and the safety of humanitarian personnel. In our view, the draft resolution should take the same approach.

Humanitarian access to those in need and the removal of obstacles that prevent humanitarian workers from delivering humanitarian assistance or protecting the civilian population constitute another important aspect of civilian protection that is tackled in the text of the draft resolution being discussed. We believe that future peacekeeping operations should have a clear mandate and the necessary resources to better facilitate the provision of humanitarian assistance to those in need.

Lastly, we believe that regional organizations can play a critical role in the field of protection. That is particularly true of the African Union and its role in the Darfur crisis. However, we agree with the Secretary-General that the recent escalation of violence in the Darfur region underscores the particular constraints faced by the African Union. We fully subscribe to the call for adequate support for that regional organization.

In conclusion, the draft resolution, which is still being negotiated, offers a good opportunity to improve and strengthen the tools at the disposal of the United Nations for more effective protection of the safety and the well-being of civilian populations in armed conflict. We have to seize that opportunity and try to elaborate a text that responds to the protection concerns and challenges of our times. We will cooperate and contribute to that end.

Mr. Oshima (Japan): I thank you, Mr. President, for convening today's open debate on this important

subject, and I thank Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, as well as Mr. Jacques Forster, Vice-President of the International Committee of the Red Cross (ICRC), for their briefings to update us on key issues involved in the protection of civilians in armed conflict. As a former Emergency Relief Coordinator, I wish, also on behalf of the Permanent Representative of Japan, to take this opportunity to express our high respect and appreciation to Under-Secretary-General Egeland and his staff in the Office for the Coordination of Humanitarian Affairs for their tireless work in advancing this agenda, as well as to the ICRC, the United Nations agencies concerned and the non-governmental organization community, for their valuable work and dedication to humanitarian relief, assistance and protection activities.

We welcome the Secretary-General's report (S/2005/740), which outlines the progress that has been made to date and the many challenges that remain, and which offers several specific recommendations. All of this is very valuable indeed and provides the Council with fresh material for thought and action. In fact, since the adoption of the first resolution on the subject in 1999, resolution 1265 (1999), efforts to mainstream this agenda in the work of the Council have produced important concrete results. We see, for instance, the protection of civilians increasingly being incorporated into peacekeeping mission mandates — in the Democratic Republic of the Congo and elsewhere. In that regard, the aide-memoire (S/PRST/2002/6, annex) has proved a practical, useful tool, as have the timely briefings and inputs from the Department of Political Affairs, the Department of Peacekeeping Operations, the Office for the Coordination of Humanitarian Affairs (OCHA), various United Nations funds, programmes and agencies and the non-governmental organizations, for all of which we express thanks.

The outcome document endorsed by world leaders in September (General Assembly resolution 60/1) also contains significant agreements and concepts to advance the humanitarian agenda. We regard as especially important the reference to women and children in armed conflict, the acknowledgement — for the first time at the head-of-State level — of the Guiding Principles on Internal Displacement and the clear enunciation of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity. We should anchor our discussion in the Council on those milestone agreements. The proposal to review and expand the Central Emergency Revolving Fund also requires careful consideration.

Despite those achievements, we still have much to do. The stark reality before our eyes is that of millions of innocent civilians being attacked and killed and subjected to damage, injury, humiliation and loss in numerous armed conflicts around the world. Particular pain is inflicted on women and children in the form of sexual violence and the forced recruitment of child soldiers. The Council needs to redouble its efforts to ensure that its measures make a difference on the ground. From that viewpoint, I would like to briefly touch upon four points.

The first point concerns the need for accurate information in considering appropriate measures in the Council. Regrettably, in that regard, little reliable statistical data is available to enable us to assess with reasonable certainty the field-level impact of the Council's work on protecting civilians caught in armed conflict. For example, there is a great discrepancy in the statistical data available on the number of war deaths in the past year. The largest figure, given by one source, is 10 times the smallest one, given by another source.

Admittedly, work on collating such figures in the given circumstances sometimes entails enormous difficulties. Nevertheless, it is important for the Council to have more solid and more reliable information when considering the nature and scope of the tasks and duties that a peacekeeping mission can realistically be expected to perform. To that end, the Council must have accurate information concerning specific situations in which civilians are caught in armed conflicts. Therefore, we support the establishment of a reporting system that would allow United Nations agencies to improve work in that regard, building upon existing mechanisms with the aim of presenting a more complete and coherent picture.

Secondly, it is essential to ensure the access of humanitarian workers to people in dire need of help, assistance and protection. We cannot assume that peacekeeping missions alone, now at a record high in terms of their number and size, can cover all the protection needs of civilians in armed conflict. Nor is it realistic to expect that peacekeeping missions will

grow in size or that many more new missions will be established, given the fact that troop-contributing countries are already stretched thin in terms of the personnel they have committed to the many recent and ongoing operations.

In those circumstances, it is clear that humanitarian workers will continue to play, as they have in the past, a very important role in protecting civilians, as their presence also often deters violence against civilian populations. The reality that more civilian deaths are caused by malnutrition and infectious diseases than by physical violence makes the work of humanitarian organizations all the more important. We pay high tribute to humanitarian workers and their organizations for the dedication and the noble spirit with which they carry out their mission in many difficult situations around the world.

In that context, Japan welcomes the strong and straightforward language on the subject of humanitarian access in the September outcome document, and we call on all parties to armed conflicts to honour the international community's requests for access. In that connection, common services, especially logistical assets including transportation, have a very important role to play in ensuring access to vulnerable populations. We welcome the increased attention that is being given to common services and wish to stress the importance of sufficient coordination and resources in that regard.

Thirdly, the United Nations must strengthen its partnership with regional organizations. Regional experience and skills should be more fully utilized for the effective protection of civilians. We welcome, in particular, the African Union's efforts to play an increasingly important role in this area. We also commend the Office for the Coordination of Humanitarian Affairs (OCHA) for its initiative formulated in response to the call of the Council that it draft a workplan to engage systematically with regional organizations in the protection of civilians. Japan, for its part, will provide all possible assistance to the important work done by and through regional organizations.

Finally, from a mid- and long-term perspective, the establishment of the rule of law and security sector reform are both indispensable and hold the key to achieving the effective protection of civilians. We have high expectations that the Peacebuilding Commission — whose establishment we hope will be agreed soon — will make a valuable contribution to the effort to address those issues.

For example, we understand that the United Nations Organization Mission in the Democratic Republic of the Congo has no other option but to allow the expediency of putting criminals into its own facilities, because national authorities simply cannot provide the prison facilities necessary to confine them. Under those circumstances, we cannot realistically expect that impunity will end. Clearly, building the capacity of national authorities should therefore be given much higher priority. The education of children — especially those who have had painful experiences as child soldiers — needs to be given greater emphasis in the international community's efforts to put an end to the vicious circle of violence.

In conclusion, Mr. President, I would like to express our appreciation for the initiative you have taken with regard to the Council's draft resolution on this issue. We believe that the Council should now consolidate its past achievements and lay out the directions for future action in clear and bold terms. We strongly support the draft resolution and look forward to its early adoption, with some possible new inputs from the deliberations during this present debate.

Mr. Mahiga (United Republic of Tanzania): Mr. President, I thank your delegation for arranging this public meeting on the protection of civilians in armed conflict. I also thank Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs, for his defining statement in today's debate. In addition, we thank Mr. Jacques Forster, Vice-President of the International Committee of the Red Cross, for his insightful statement on the protection of civilians in armed conflict.

As we mark the fifth year since the adoption of the landmark resolution 1296 (2000) on the protection of civilians in armed conflict, we need to take stock of the achievements accomplished and the challenges we still face in our endeavour to devise a more comprehensive and coordinated framework for the protection of and assistance to civilians in armed conflict, in order to fill existing gaps. We welcome the report of the Secretary-General on the protection of civilians in armed conflict (*S/2005/740*). The recommendations provided in the report warrant our careful study.

Despite the decline in the number of wars, the number of civilians affected by conflict has continued to increase, with graphic humanitarian consequences. We note with concern the change in warfare strategies, which deliberately target civilians or use civilians to achieve military objectives. The impact of conflict on civilians has gone beyond collateral damage to calculated maximum damage to civilians, including hostage-taking, as we have witnessed in terrorist acts. Armed conflicts also paralyse and deny to civilians their basic means of livelihood by destroying infrastructure, disrupting economic and social activities and causing malnutrition, the outbreak and spread of diseases, human suffering and humiliation, all of which exacerbate poverty.

We are deeply concerned by the increase in acts of violence and abuses committed against civilians — particularly women and children — in situations of armed conflict, in violation of international humanitarian, human rights and refugee law. The pattern of those violations constitutes a threat to international peace and security. We urge all parties to conflicts to respect the relevant international laws and conventions.

One of the grave violations of international humanitarian law committed against civilians in conflict situations is the use of sex as a weapon of war. In that regard, it has been mostly women and girls that have borne the brunt of the abuses. While we are encouraged that sexual abuses in conflict situations are now regarded as war crimes, perpetrators need to be exposed and prosecuted expeditiously without the constraints of political expediency.

We reiterate the need to end impunity and urge that all those responsible for genocide, war crimes, crimes against humanity and violations of humanitarian law be brought to justice. In that regard, we urge that priority be placed on assistance in the restoration of national judicial systems in countries emerging from conflict.

The protection of civilians is the primary responsibility of Governments. When Governments fail or are unable to offer such protection, we should have a collective responsibility to protect humanity. Governments must ensure respect for the rule of law, human rights and democracy.

Human rights and democracy are essential. We thus call upon States to ratify all instruments relating to the protection of civilians and to implement the various Security Council resolutions regarding the protection of civilians. Technical assistance may, however, be required to assist developing countries, at their request, to develop such capacities and competencies.

In that regard, we need to further develop the concept of the responsibility to protect. Our stance on that responsibility is inspired by the following statement by the President of Tanzania, His Excellency Benjamin Mkapa:

> "States must firmly be placed on notice that the humanity we all share demands that we should collectively have an interest in its promotion as well as in its protection. Governments must first be held responsible for the life and welfare of their people. But there must also be common agreed rules and benchmarks that would trigger collective action, through our regional organizations and the United Nations, against Governments that commit unacceptable human rights abuses or threaten regional peace and security."

We thus welcome the affirmation by world leaders of the responsibility to protect civilians from genocide, crimes against humanity, war crimes and ethnic cleansing.

We note with concern the denial of access for humanitarian workers to populations in dire need of humanitarian assistance. We echo the Secretary-General's demand that parties to conflicts allow immediate, full and unimpeded access for humanitarian personnel and implement resolutions related to particular conflict situations. We also call upon humanitarian personnel to uphold the international principles guiding humanitarian work, in particular impartiality, neutrality and the non-political character of humanitarian assistance.

Protecting civilians in conflict situations requires that we also prevent the prevalence and risk of war. Currently, as observed in the Secretary-General's report "In larger freedom", half of the countries emerging from violent conflict revert to conflict within five years. Reducing the risk of war also requires that humanitarian support during conflict and the transition period to peace address developmental aspects. Here, we would like to emphasize the importance of quality of education and training, especially to ensure the reintegration of young people into their societies and

the building of a culture of peace and tolerance within those societies. We thus welcome the establishment of the Peacebuilding Commission to address issues related to post-conflict institution-building and the consolidation of peace.

In conclusion, I should observe that there are several international conventions, protocols, Security Council resolutions and international initiatives to protect civilians in armed conflict. Together, they provide useful elements for updating and developing a more comprehensive and coordinated regime for the protection of civilians in armed conflict. It may be necessary to establish new norms and adopt additional Security Council resolutions to address this problem.

The consensus reached on the responsibility to protect by the world summit this year is a useful basis for the further development and refinement of norms and practices related to the national and international protection of civilians in armed conflict. The African Union has set an example in that direction. For the Security Council, it is part of its responsibility for the promotion and maintenance of international peace and security.

In that regard, Mr. President, we welcome your initiative to present a new draft resolution which is under consideration by the Council.

The President: The next speaker on my list is the representative of South Africa, to whom I give the floor.

Mr. Mabhongo (South Africa): Mr President, we thank you for having convened this open debate on the protection of civilians in armed conflict, and we also commend the Secretary-General for the comprehensive report that has been presented.

It is encouraging to note that the number of armed conflicts has decreased from 50 in 1992 to about 30 in 2004. We need to acknowledge, however, that the tragic impact of issues such as indiscriminate killings, mutilation, sexual violence, forced displacement and loss of livelihood require our urgent attention and highlight the importance of addressing the issue of the protection of civilians in armed conflict.

The international community, in our view, must remain collectively engaged to address the issue of the protection of civilians in armed conflict and to ensure the necessary political support and other requisite resources. We welcome the call made by the Secretary-General for a more predictable humanitarian response to complex emergencies through the proposed upgraded Central Emergency Revolving Fund. We believe that such reforms could help to enhance response capacity, develop more predictable humanitarian financing and strengthen humanitarian coordination.

The United Nations can and should play a critical role in that respect. General Assembly resolution 46/182, among others, highlights the important agreed principles that guide the manner in which humanitarian assistance should be provided. These include the principles of humanity, neutrality and impartiality. These principles, we are pleased to note, were also endorsed by the 2005 world summit.

We wish to make the following remarks on some of the issues covered in the report of the Secretary-General.

First, the report highlights the problems created by the continued recruitment of child soldiers. It also puts an emphasis on protection from physical and sexual violence, especially as concerns women and children. In that regard, we support the call on all parties to strictly comply with the relevant rules and principles of international humanitarian, human rights and refugee law. We also agree with the appeal to end impunity and to prosecute those responsible for genocide, crimes against humanity and other egregious crimes perpetrated against civilians.

Secondly, the report of the Secretary-General has also correctly recognized that a secure environment for the protection of civilians, following a period of armed conflict, requires the strengthening of national legal, law enforcement and judicial systems. We wish to stress that, in addition, it also requires that disarmament, demobilization and reintegration programmes be fully funded. We therefore welcome the call made by the Secretary-General to reinforce the inclusion of adequate reintegration measures in peacekeeping and peacebuilding missions.

Thirdly, the international community agreed, during the 2005 world summit, that each individual State has the responsibility for the protection of its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. It was also agreed that, where appropriate, Member States would be helped to build the necessary capacity to enable them to fulfil their protection mandate.

It is from that perspective that we welcome the report of the Secretary-General as well as this open debate in the Security Council. We wish to emphasize, however, that the 2005 world summit also called for continued consideration within the General Assembly of the issue of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.

Fourthly, as in previous reports, the Secretary-General again highlights the valuable role that regional and other intergovernmental institutions can play in the protection of civilians — a role that South Africa fully endorses. We therefore agree with the appeal made by the Secretary-General to enhance the capacity and readiness of regional organizations to respond to the protection needs of civilians. However, we would like also to emphasize that a stronger involvement in the protection of civilians and humanitarian assistance by regional organizations such as the African Union should not lead to an abdication by the United Nations system of its own responsibilities. What is important, in our view, is closer cooperation and partnership between the United Nations and regional organizations.

Lastly, the observation made by the Secretary-General in his report that peacemaking, peacekeeping, peacebuilding and humanitarian response to complex emergencies are mutually reinforcing is an important one, which we fully support. Closer cooperation between humanitarian and peacekeeping efforts is supported by our delegation, although we also recognize the need to respect the various mandates of the different institutions. As a particular example of how closer cooperation could assist in the protection of civilians, properly mandated peacekeeping missions could create a secure and safe environment for humanitarian organizations to have full and safe access to the affected populations.

In conclusion, recognizing that the emergence of new challenges demands that the international community actively and collectively address these issues, it is the hope of the South African delegation that this will continue to be done in a way that increases respect for the principles of international humanitarian law, human dignity and the legitimacy of the United Nations.

The President: The next speaker on my list is the representative of Switzerland, to whom I give the floor.

Mr. Maurer (Switzerland) (*spoke in French*): First of all, I should like to thank the United Kingdom for having convened today's debate. I should like also to thank the Humanitarian Coordinator and the International Committee of the Red Cross (ICRC) for their contributions. Finally, I should like to congratulate you, Sir, on the format of this debate, which shows that the Security Council's methods of work have been somewhat reformed; we appreciate that.

The text of my statement has been distributed, so I shall simply make three points.

First, the protection of civilian populations is ensured not only by international humanitarian law, with which we are all familiar, but also by other norms and standards for protection relating to human rights, refugees and displaced persons, in particular the Guiding Principles on Internal Displacement. In addition, the norms of customary law apply to both international and non-international armed conflicts. Those rules were set out by the ICRC in a recently published study. There exists, therefore, a coherent body of non-negotiable legal principles and norms that must guide the actions of the Security Council and of Member States. We deem it imperative that this be reflected in the draft resolution to be adopted by the Council.

We have stated repeatedly in this Organization that today respect for, and the application of, the law is more important than its development. We are nonetheless pleased when progress is made in the development of the law, such as the adoption of a third Protocol Additional to the Geneva Conventions of 1949 yesterday morning in Geneva, which introduces an additional emblem for the International Red Cross and Red Crescent Movement.

Those decisions put an end to a long controversy. As the depositary State of the Geneva Conventions, Switzerland calls on all States to ratify speedily that instrument.

My second comment relates to the mandates of peace operations. In recent years, the mandates given by the Security Council have become both broader and more robust. We call on the Council further to strengthen the civilian component of such operations. We would like to forcefully stress the fact that humanitarian work — be it emergency assistance to

victims or other protection activities — must be carried out by civilians. Only in this way will it be possible to guarantee the observance of humanitarian principles. The lack of clarity which we sometimes see on the ground with respect to the respective roles of humanitarian and military actors jeopardizes humanitarian action. That said, Switzerland deems it just as important that close coordination be established between civil and military actors. That is why we call on the Security Council to give civilians, from the beginning, a greater role in the planning and definition of the mandates of peace missions.

In that context, we draw attention to the Guidelines on the Use of Military and Civil Defence Assets to Support United Nations Humanitarian Activities in Complex Emergencies. Switzerland calls upon the Council to follow those Guidelines in defining the mandates of United Nations peace operations and to exercise its influence on regional organizations in order to ensure that those organizations also follow the Guidelines.

My third remark concerns humanitarian access. I would like also to stress the importance for humanitarian organizations to have unrestricted access to civilian populations. Switzerland calls upon the Council to give special attention to the crucial issue of humanitarian access. Even where access to victims is clearly possible, it is often necessary to constantly renegotiate that issue. In that context, Switzerland supported the drafting by the United Nations of a manual of field practices on humanitarian negotiations with armed groups. The manual, which will be released in the coming weeks, is being drafted in response to a recommendation made by the United Nations Secretary-General in his second report on the protection of civilians in armed conflicts.

Finally, to conclude, Switzerland welcomes the references to the responsibility to protect, contained in the draft resolution under review.

Mr. Berruga (Mexico) (*spoke in Spanish*): First, I would like to thank Under-Secretary-General Jan Egeland and the Vice President of the International Committee of the Red Cross for their presentations and thank the presidency of the Council for the timely invitation to attend this meeting.

The protection of civilians is a growing challenge in the implementation of international law, human rights law and international humanitarian law. This is a timely debate, both in terms of taking stock of progress achieved since the adoption of resolution 1265 (1999), and in terms of identifying the measures required to improve the level of protection of civilians in armed conflict.

Over the past 10 years, we have seen a marked increase in the number of armed conflicts with an unprecedented degree of violence and cruelty. For instance, the military command and control of armed groups and dissident forces has broken down to such an extent that identifying the parties to a conflict has become extremely complex, adding to the difficulty of achieving any implementation of the rules of armed conflict.

As a consequence, violence has reached further afield, making the civilian population — formerly a collateral victim — the main target. That gives us an idea of the scope of the challenges before us. For that reason, the implementation of international agreements on the topic is becoming increasingly urgent.

Making those agreements operational is the shared responsibility of all — Governments, international organizations and civil society. It is also imperative that the Security Council, as well as regional organs that are competent in the area of peace and security, take measures to compel the parties to conflicts to conduct hostilities in a manner respecting humanitarian standards, and to facilitate the delivery of assistance to the civil population whenever it is affected.

Similarly, when hostilities are suspended, disarmament and the reintegration of armed groups within society — in addition to the establishment of mechanisms for accountability and the search for and identification of the victims of forced disappearances — are indispensable prerequisites for repairing the fabric of society.

Civilians are the victims of conflicts, not only during conflicts but also afterwards. To that extent, the linkage between the protection of civilians and the dispensation of justice is of vital importance. International and national efforts must be accompanied by measures, in accordance with national legislation and international law, to bring to justice those responsible for violations of international humanitarian law.

The International Criminal Court (ICC) is a fundamental tool for eradicating the culture of impunity, including cases of sexual exploitation and deliberate attacks on humanitarian personnel. The existence of the Court should be not only an incentive to strengthen national legal systems, but also an efficient mechanism to deal with crimes when national judicial structures have disappeared as a result of conflict. For that reason, Mexico recently ratified the Rome Statute.

We must be certain that the agencies and programmes of the United Nations, as well as the relevant regional organs, are given mandates that promote the adoption of measures to properly implement international law and that they be backed by political and financial resources that would make it possible for them to work closely with States.

Experience has taught us that the identification of vulnerable populations is initially carried out by humanitarian organizations in the field. For that reason, when Mexico was a member of the Security Council, we promoted expanded communication between the Council and non-governmental organizations in the field, in order to find better ways of working together to protect vulnerable populations.

Similarly, Mexico has defended and supported the creation of channels to make it possible to offer safe and unrestricted access for humanitarian organizations to suffering populations. Resolution 1502 (2003) is a step forward in the creation of a framework of protection for such organizations, as it contains a new regime of sanctions to be applied to parties to a conflict that resort to violence against humanitarian personnel. We hope to create a greater awareness of the fact that breaching the security of those organizations makes conflicts worse and violates respect for human rights and the basic rights of the civilian population.

When we speak of the civilian victims of armed conflicts, including refugees and internally displaced persons, we are mainly and essentially speaking of women, children and older people. We are talking about violent rapes and abuse, sexual exploitation and violence against women and the forced recruitment of children. Such acts must no longer be viewed with indifference by the international community. Mexico is convinced, therefore, that once peaceful solutions have been exhausted — and acting exclusively under the authority of the Security Council — the international community must take all measures that are necessary to protect civilians from genocide and crimes against humanity including — among others — serious violations of international law, human rights and international humanitarian law.

For that reason, we are gratified by the meaningful progress achieved in the context of the 2005 world summit and we are prepared to continue the discussion on implementation within the General Assembly, as the Assembly is the best forum to promote codification and further development.

Mr. Zhang Yishan (China) (*spoke in Chinese*): I would like first to thank the Secretary-General for his report on the protection of civilians in armed conflict (S/2005/740). We would also like to thank Under-Secretary-General Jan Egeland and Mr. Jacques Forster, Vice-President of the International Committee of the Red Cross, for their briefings. We also wish to commend United Nations agencies and, in particular, the Office for the Coordination of Humanitarian Affairs and the Department for Peacekeeping Operations, for their enormous efforts in the field over the years.

In recent years, the issue of the protection of civilians has attracted increasing attention on the part of the international community. Civilians are usually the main victims in any sort of conflict, with the plight of vulnerable groups — in particular women, children, refugees and displaced persons — being even more horrific. At times, they do not even have access to the most basic humanitarian assistance.

The Security Council attaches priority importance to the issue of the protection of civilians in armed conflict. Over the past six years, the Council has adopted two resolutions and issued many presidential statements in connection with this matter. The outcome document of this year's High-level Plenary Meeting of the General Assembly (General Assembly resolution 60/1) contains many references to this issue. We obviously continue to face many challenges with regard to the follow-up of the outcome document and the implementation of the relevant resolutions. The delegation of China would like to take this opportunity to highlight the following points.

First, efforts to protect civilians should be in line with the Charter of the United Nations and the relevant provisions of international law. Individual States have the primary responsibility to protect their own citizens.

In accordance with the Charter and the provisions of international law, parties to a conflict should provide effective protection to affected civilians. All activities pertaining to protection, be they security guarantees or humanitarian assistance, should not violate the principles enshrined in the Charter; nor should they infringe upon the sovereignty and territorial integrity of Member States. Humanitarian personnel and agencies should abide strictly by the principles of impartiality, neutrality, objectivity and independence, in order to avoid becoming involved in a conflict or supporting a given party.

Secondly, work in the area of civilian protection should focus on the prevention of conflict, in order to simultaneously address both root causes and symptoms. The protection of civilians is not an isolated issue. Effectively preventing armed conflict is the best protection we can provide to civilians. Poverty, social injustice and ethnic disputes can trigger conflict. Policies to promote sustainable development, build a sound and harmonious society and bring about national reconciliation must therefore be pursued actively, in order to eliminate the root causes of conflict. Absent that, efforts to protect civilians will always be reactive in nature. As the body with primary responsibility for the maintenance of international peace and security, the Security Council should actively encourage preventive diplomacy and promote the resolution of existing conflicts, so that civilians may be freed from the scourge of war.

Thirdly, the concept of the responsibility to protect should be the subject of further comprehensive and in-depth discussions. The summit outcome document clearly referred to "the responsibility to protect ... populations from genocide, war crimes, ethnic cleansing and crimes against humanity" (*General Assembly resolution 60/1, para. 138*). The outcome document went on to develop the concept at length, owing to the sensitivity and complexity of the issue.

The consensus opinion of the international community, as well as its justifiable demand, is that swift steps must be taken to mitigate and put an end to large-scale humanitarian crises and gross violations of human rights. The Security Council should make its own assessment of situations in accordance with reality on the ground, and should act accordingly. At the same time, we cannot lose sight of the fact that all conflicts are generally caused by a host of complex factors. A cautious approach should be taken in determining whether a Government is able or willing to protect its citizens. Arbitrary and hasty intervention should be avoided, as that may complicate situations and result in greater harm to innocent civilians.

Fourthly, States concerned should take the initiative in assuming responsibility to end impunity and bring perpetrators to justice. Promoting the rule of law and ensuring justice is conducive to the promotion of reconciliation and the realization of long-term stability. We encourage States concerned to fully utilize their domestic judicial institutions. We also believe that we should provide constructive assistance in order to avoid violating State sovereignty and respect the will of the parties concerned. In that regard, the Security Council should proceed cautiously in order to avoid adopting a one-size-fits-all approach to different situations.

In conclusion, I should like to take this opportunity to pay tribute to humanitarian workers, who risk their lives in wars and conflicts in order to contribute selflessly. Their noble efforts deserve our respect. Their safety and security should therefore be fully ensured.

Ms. Løj (Denmark): I would like to thank Mr. Jan Egeland, Under-Secretary-General for Humanitarian Affairs, and Mr. Jacques Forster, Vice-President of the International Committee of the Red Cross (ICRC), for their clear and thought-provoking presentations on the issue of the protection of civilians in armed conflict. I would also like to associate myself with the statement to be delivered later in the debate by the United Kingdom delegation on behalf of the European Union.

In the day-to-day work of the United Nations, we sometimes seem to forget the overarching purpose of our efforts. We are here to save succeeding generations from the scourge of war, to reaffirm faith in the dignity and worth of the human person and to establish conditions under which justice can be maintained. That is our purpose, our raison d'être. And that is why Denmark believes that the protection of civilians in armed conflict is one of the most important thematic issues on the agenda of the Security Council. We, the peoples of the United Nations, must act to ensure the protection of our fellow human beings, in particular during armed conflicts. That is a responsibility that we have not always been able to live up to. We need to

enforce the so-called culture of prevention that the Secretary-General has called for.

In that regard, I would sincerely like to thank the delegation of the United Kingdom for providing the Council with such a strong and comprehensive draft resolution on the protection of civilians. It includes a number of indispensable measures and forward-looking elements for the future work of Council, and of the United Nations as a whole. We look forward to its early introduction and adoption.

As clearly demonstrated in the Secretary-General's latest report on this item (S/2005/740), the issue of the protection of civilians in armed conflict is one of great complexity. Only by taking a multifaceted and comprehensive approach — including legal, political and socio-economic measures — can we fully address the great number of problems related to the protection of civilians in armed conflict. As recognized by our heads of State and Government at the 2005 world summit, peace, security, development and human rights are interlinked and mutually reinforcing, and they are the foundations for collective security and well-being.

The report identifies a number of general trends that affect the lives of civilians in conflict. Indeed, the list of trends is sobering reading. The armed conflicts of today unleash their full wrath not on the opposing army, but on the civilian population, in clear violation of all rules and principles of international law.

However, the report also provides a number of valuable recommendations for measures and actions that the Security Council can take to strengthen and improve its response to the protection needs of civilians in armed conflict. Denmark fully supports those recommendations. Allow me in that regard to address two key points of particular importance to the future work of the Security Council and the United Nations system as a whole: the "responsibility to protect" and the fight against impunity.

The 2005 world summit outcome underlined that each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity. That is not an obligation to be taken lightly.

Unfortunately, recent history demonstrates that national authorities sometimes are either unwilling or unable to provide the required protection. Should the international community, confronted with such manifest failings, just sit back and allow a new Srebrenica or Rwanda to unfold before our eyes? The answer to that question is obvious and was fully addressed by our heads of State and Government at the summit.

One of the keystones in the fulfilment of the purposes of the United Nations is for the international community to take appropriate action to protect civilian populations. The United Nations Charter provides a clear framework for our response. We have a responsibility to use all peaceful means to provide sufficient protection, but if those means fail, it is our responsibility to use all necessary and available means — including collective action in accordance with Chapter VII of the Charter — to put an end to ongoing acts of genocide, war crimes, ethnic cleansing and crimes against humanity. It is not just something we can consider doing — it is something we must do.

There can be no real peace without real justice. An armed conflict is not fully concluded before those responsible for atrocities committed against the civilian population are brought to justice. The Security Council must continue to explore ways and means to fight impunity. A number of international mechanisms, including the International Criminal Court, are in place. Universal legal protection standards already exist, and while all States are free to choose which international instruments they wish to become parties to, it is key that we use all means at our disposal to ensure that justice prevails. The Security Council should continue to discuss all those issues as part of our discussions on the strengthening of international law.

As we move forward in our efforts to protect civilians in armed conflict, the 10-point platform of action presented earlier to the Security Council by Mr. Jan Egeland should guide the work of the United Nations as a whole. We need to take effective measures to implement those points of action.

We must ensure safe and unhindered humanitarian access to civilians in need. We must improve the safety and security of humanitarian personnel. The protection of internally displaced persons and refugees is crucial; we already have a plan, the Agenda for Protection, which requires our attention and implementation. Finally, we must in all our efforts pay particular attention to the special protection requirements of women and children and take all

necessary measures to put an end to the systematic and widespread sexual violence committed against women and girls in armed conflicts.

Real change starts at home. Thus, real improvements on all of those issues should start in our daily work in the Security Council. Denmark stands ready to adopt a strong and forward-looking resolution and to work for its full implementation for the benefit of the millions of civilians trapped in armed conflict.

The meeting was suspended at 1.15 p.m.